

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CARROLLTON FAMILY CLINIC, LLC, and	:	
PERRIN CURRAN, M.D.,	:	
	:	
Plaintiffs,	:	Civil Action
v.	:	No. 17-12530-RGS
	:	
ECLINICALWORKS, LLC,	:	
	:	
Defendant.	:	
	:	
	:	
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**DEFENDANT’S UNOPPOSED MOTION TO JOIN FAMILY FIRST  
MEDICAL CENTER, P.A. PURSUANT TO FRCP RULE 20(a) AND TO  
CONFIRM THE MAY 31, 2019 ARBITRATION AWARD**

Defendant eClinicalWorks, LLC (“Defendant” or “eCW”) requests that (i) pursuant to Rule 20(a) of the Federal Rules of Civil Procedure, the Court join Family First Medical Center, P.A. (“Family First”) to this action, and (ii) pursuant to the Federal Arbitration Act, 9 U.S.C. § 9, the Court confirm the Final Consent Award issued on May 31, 2019 by arbitrator Hon. David F. Levi, former U.S. District Judge, a copy of which is attached hereto as Exhibit 1 (“Final Award”). Family First was not an original party to this action but it is represented by the same counsel as the Plaintiffs and joined as a claimant (seeking similar relief) in the arbitration that was resolved by the Final Award. Plaintiffs Carrollton Family Clinic, LLC and Perrin Curran, M.D. (the “Plaintiffs”) and Family First do not oppose this motion.<sup>1</sup>

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<sup>1</sup> Family First has been served with these motion papers and has agreed to waive all other formal requirements of service in this action.

On December 21, 2017, the Plaintiffs filed this action against Defendant as a putative class action. On March 29, 2018, pursuant to the Federal Arbitration Act and the arbitration provisions in each Plaintiff's contract with the Defendant, the District Court granted Defendant's Motion to Compel Arbitration.

In June 2018, the Plaintiffs, Family First, and eCW agreed to conduct the arbitration under the JAMS Comprehensive Arbitration Rules and Procedures (the "JAMS Rules") and the JAMS Class Action Procedures, as modified by an Agreed Arbitration Protocol. On June 27, 2018, the Plaintiffs and Family First filed a Demand for Class Arbitration. On October 31, 2018, the parties appointed Judge Levi as the sole arbitrator and agreed that the arbitration would be administered by Federal Arbitration (FedArb).

On April 1, 2019, the arbitrator issued a Procedural Order With Respect To Clause Construction, finding that "[t]he parties did not agree to class arbitration" and denying claimants' attempt to proceed as a class.

On May 31, 2019, the arbitrator issued the Final Award at the request of all parties. The Final Award:

- a) incorporated the arbitrator's April 1, 2019 Procedural Order With Respect To Clause Construction as if fully set out therein;
- b) dismissed all of the claimants' claims with prejudice;
- c) confirmed that the claimants and eCW released each other from all legal claims arising out of or relating to certain contracts between the parties that had accrued as of the date of the Final Consent Award, and all claims arising out of or relating to the arbitration and this action;
- d) ordered each party to bear its own costs in the arbitration and in this action;
- e) ordered each side to pay half of the fees and expenses of FedArb and the arbitrator; and
- f) terminated the arbitration.

For the foregoing reasons, this Court should grant Defendant's motion, join Family First to this action pursuant to FRCP Rule 20(a), and confirm the May 31, 2019 arbitration award under 9 U.S.C § 9.

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel hereby certifies that Defendant's counsel conferred with counsel for Plaintiffs and Family First on the subject of this motion and that said counsel does not oppose the relief sought herein.

Dated: July 1, 2019  
Boston, Massachusetts

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, James R. Carroll, hereby certify that this document has been served by email and first class mail on counsel to Plaintiffs and Family First and is being filed through the ECF system, thus it will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants, if any, on July 1, 2019.

Dated: July 1, 2019 /s/ James R. Carroll  
James R. Carroll

Counsel for Defendant  
eClinicalWorks, LLC